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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,993	07/16/2003	Kai S. Lee	INN03 P301	8834

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

BATSON, VICTOR D

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,993

Applicant(s)

LEE, KAI S.

Examiner

Victor Batson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 24, 27-30, 42-45, 48 and 51 is/are rejected.
- 7) ☒ Claim(s) 18-23, 25, 26, 31-41, 46, 47, 49 and 50 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Objections

Claims 4-10,21-23,42-44,47,50,51 are objected to because of the following informalities: In claims 4-10, "the outer engaging surface" lacks proper antecedent basis. In claim 21 and claim 24, the phrase "as the debris engaged by the material working devices" is not understood. Claim 42 appears to be essentially a duplicate of claim 27. Claim 43 is a duplicate of claim 28. In claim 44, "the first cutting device" lacks proper antecedent basis. In claim 47, "the material working device" and "the first cutting device" lack proper antecedent basis. In claim 50 & 51, "the first cutting device" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17,24,27-30,42-45,48,51 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kesting (5,520,253) in view of Leger (6,092,608).

Kesting discloses a counter-rotating twin shaft gardening/landscaping system including a frame, a first shaft, a second shaft and a driving shaft, with a ground manipulation device. Kesting however lacks the ground manipulation devices including a plurality of arms.

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Leger teaches that it is known in the art for a gardening system that uses ground manipulation devices¹⁸, to also attach a plurality of arms 40, to enhance the chopping and digging capability of the system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gardening/landscaping system of Kesting, by including a plurality of arms as taught by Leger, to enhance the chopping and digging capability of the system.

It is noted that figures 10, 11a, 11b, 12a, 12b disclose ground manipulation devices with various types of teeth (considered to include cutting teeth, chipping teeth and a serrated portion). Concerning claim 15, member 30 of the device of Leger is considered to be a bracket. Concerning claim 29, given that the arms 40 have a width, they are considered to meet the limitation of extending substantially perpendicular to the material working devices. Concerning claims 44,45,48, the material working devices shown in figures 12a & 12b show the use of circumferentially spaced apertures, with the bolts shown in figure 12b being considered tubes. Concerning claims 11,28,43, Kesting discloses the gardening/landscaping system as both a hand-held type system (figure 39) and a walk-behind type system (figures 38 & 39).

Allowable Subject Matter

Claims 18-23,25,26,31-41,46,47,49,50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

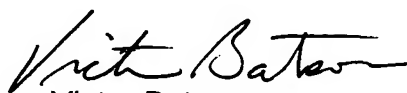
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 10, 2004


Victor Batson
Primary Examiner
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